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Please reply to New Jersey

May 28, 2025

VIA ECOURTS FILING

Clerk, Middlesex County Superior Court
56 Paterson Street
New Brunswick, NJ 08903-0964

RE: **JESSICA KRATOVIL AND BRIAN RAK VS. PISCATAWAY
TOWNSHIP**

Our File No. : 95781 WSB
Docket No. : 2:24-cv-10661

Dear Sir/Madam

Enclosed please find the following documents:

- ☒ Answer to Amended Complaint
- ☒ Designation of Trial Counsel
- ☒ CIS Form

Respectfully submitted,

METHFESSEL & WERBEL, ESQS.

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ELH:jrf/Encl.

Methfessel & Werbel, Esqs.
Our File No.: 95781 WSB
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Our File No. 95781 WSB

JESSICA KRATOVIL AND BRIAN RAK

Plaintiff

V.

PISCATAWAY TOWNSHIP

Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CIVIL ACTION NO.: 2:24-cv-10661

Civil Action

ANSWER TO AMENDED COMPLAINT

Defendant, Piscataway Township, by way of Answer to the Amended
Complaint filed herein says:

PARTIES AND VENUE

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit.

BACKGROUND

7. Admitted insofar as the Township is a governmental entity

with various responsibilities defined by law; otherwise denied.

8. Admitted insofar as the Township is a governmental entity with various responsibilities defined by law; otherwise denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

NOTICE TO THE TOWNSHIP

25. Admit as to the general substance of the referenced communications. The remainder is denied.

26. Admit that a log was removed. The remainder is denied.

27. Admit as to the general substance of the referenced communication. The remainder is denied.

28. Admit as to the general substance of the referenced communication. The remainder is denied.

29. Admit as to the general substance of the referenced communication. The remainder is denied.

30. Admit as to the general substance of the referenced communication. The remainder is denied.

31. Admit as to the general substance of the referenced communications. The remainder is denied.

32. Admit as to the general substance of the referenced communication. The remainder is denied.

33. Admit as to the general substance of the referenced communication. The remainder is denied.

34. Admit.

35. Admit that plaintiff retained an engineer. The remainder is denied.

36. Admit as to the general substance of the referenced communication.

37. Admit as to the general substance of the referenced communication.

38. Admit that there was no response. The remainder is denied.

39. Admit.

40. Denied.

COUNT 1 – NEGLIGENCE/DANGEROUS CONDITION

- 41. The above is incorporated by reference.
- 42. Admitted insofar as the Township is a governmental entity with various responsibilities defined by law; otherwise denied.
- 43. Admitted insofar as the Township is a governmental entity with various responsibilities defined by law; otherwise denied.
- 44. Denied.
- 45. Denied.
- 46. Denied.
- 47. Denied.

WHEREFORE the Defendants demand judgment dismissing the Complaint with prejudice and awarding fees, costs and such other relief as the Court may deem just and equitable.

COUNT II – NUISANCE

- 48. The above is incorporated by reference.
- 49. Denied.
- 50. Denied.
- 51. Denied.
- 52. Denied.

WHEREFORE the Defendants demand judgment dismissing the Complaint with prejudice and awarding fees, costs and such other relief as the Court may deem just and equitable.

COUNT III – TRESPASS

- 53. The above is incorporated by reference.

54. Admit.

55. Admit.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

WHEREFORE the Defendants demand judgment dismissing the Complaint with prejudice and awarding fees, costs and such other relief as the Court may deem just and equitable.

COUNT IV – INVERSE CONDEMNATION

62. The above is incorporated by reference.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

WHEREFORE the Defendants demand judgment dismissing the Complaint with prejudice and awarding fees, costs and such other relief as the Court may deem just and equitable.

AFFIRMATIVE DEFENSES

FIRST SEPARATE DEFENSE

The accident and/or injuries allegedly sustained were caused and/or contributed to by the negligence of the plaintiff and plaintiff's claim, accordingly, is barred or diminished by application of the Comparative Negligence Statute.

SECOND SEPARATE DEFENSE

The accident and injuries allegedly sustained were caused and/or contributed to by the acts of third persons over whom this defendant had no control.

THIRD SEPARATE DEFENSE

This defendant breached no duty due and owing to the plaintiff.

FOURTH SEPARATE DEFENSE

The Complaint herein fails to set forth a cause of action as against this defendant.

FIFTH SEPARATE DEFENSE

Plaintiff's Complaint is barred by application of the Entire Controversy Doctrine.

SIXTH SEPARATE DEFENSE

Plaintiff's Complaint is barred by the Doctrine of Waiver and Estoppel.

SEVENTH SEPARATE DEFENSE

This defendant is entitled to a set off and/or a reduction of any damage award pursuant to N.J.S.A. 2A:15-97 et. seq. in that the alleged accident occurred on or after December 18, 1987.

EIGHTH SEPARATE DEFENSE

The claim of the plaintiff is barred by virtue of the Statute of Limitations.

NINTH SEPARATE DEFENSE

This defendant is entitled to a set-off and/or reduction of any damage award pursuant to N.J.S.A. 2A:15-5.2 et. seq. in that the alleged accident occurred on or after December 18, 1987.

TENTH SEPARATE DEFENSE

Any and all claims of the plaintiff are barred by reason of lack of jurisdiction over the defendant due to lack of service of process.

ELEVENTH SEPARATE DEFENSE

Any and all claims of the plaintiff are barred by reason of lack of personal jurisdiction over the defendant.

TWELFTH SEPARATE DEFENSE

While denying any negligence on the part of this defendant, should it be adjudged otherwise, then defendant's liability should be limited as provided by the terms and provisions of the Comparative Negligence Act, N.J.S.A. 2A:15-5.1, et. seq.

THIRTEENTH SEPARATE DEFENSE

The damages, if any, sustained by the plaintiff are barred or otherwise limited by virtue of the New Jersey Comparative Negligence Laws, N.J.S.A. 2A:15-5.1, et. seq.

FOURTEENTH SEPARATE DEFENSE

Plaintiff's claim is barred or should be diminished by virtue of the terms and provisions of N.J.S.A. 59:2-1, et. seq.

FIFTEENTH SEPARATE DEFENSE

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:3-1, et. seq.

SIXTEENTH SEPARATE DEFENSE

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:4-1, et. seq.

SEVENTEENTH SEPARATE DEFENSE

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:5-1, et. seq.

EIGHTEENTH SEPARATE DEFENSE

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:6-1, et. seq.

NINTEENTH SEPARATE DEFENSE

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:7-1, et. seq.

TWENTIETH SEPARATE DEFENSE

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:8-1, et. seq.

TWENTY FIRST SEPARATE DEFENSE

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:9-1, et. seq.

TWENTY SECOND SEPARATE DEFENSE

At all times mentioned in the Complaint, any and all actions or omissions of these parties relating in any way to plaintiff's alleged damages involved decisions of these parties within an area of non-actionable governmental discretion. By virtue of the said premises, these parties are not liable to any party herein.

TWENTY THIRD SEPARATE DEFENSE

This action is barred as to these parties by reason of the failure of the party asserting a claim against these parties to present a notice of claim pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq.

TWENTY FOURTH SEPARATE DEFENSE

These parties are public entities within the meaning of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq., and, by virtue of the said New Jersey Tort Claims Act and its various provisions, these parties are not liable to any party herein and any recovery by any party herein is subject to the limitations set forth in said Act.

TWENTY FIFTH SEPARATE DEFENSE

The damages recoverable in this action, if recoverable at all, are limited by the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq.

DEMAND FOR DAMAGES

Attorneys for plaintiff are hereby required and requested to furnish the undersigned within five (5) days with a written statement of the amount of damages claimed in this action.

JURY DEMAND

The defendant hereby demands trial by a jury as to all issues.

METHFESSEL & WERBEL, ESQS.
Attorneys for Piscataway Township



By: _____
William S. Bloom

DATED: May 28, 2025

DESIGNATION OF TRIAL COUNSEL

The Court is advised that William S. Bloom, Esq. is hereby designated as trial counsel on behalf of the defendant(s), Piscataway Township.

METHFESSEL & WERBEL, ESQS.
Attorneys for Piscataway Township

A handwritten signature in blue ink, appearing to read "Will. Bloom", is written over a horizontal line.

By: _____
William S. Bloom

DATED: May 28, 2025

Our File No. 95781

CERTIFICATE OF MAILING

The undersigned hereby certifies as follows:

1. I am employed by the law firm of Methfessel & Werbel.
2. On May 28, 2025 the undersigned prepared and forwarded copies of the within Answer to the following parties:

Jennifer Hiller Nimeroff, Esq.
Weir Greenblatt Pierce LLP
35 Kings Highway East
Haddonfield, NJ 08033

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Jessica Ford